
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

CLIFFORD HOWARD WHEATLEY,

Plaintiff,

versus

WAYNE SCOTT, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:12-CV-317

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Clifford Howard Wheatley, an inmate confined at the Neal Unit, proceeding *pro se*, brought this lawsuit pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends plaintiff's motion to dismiss defendant Joe Warren should be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. Accordingly, it is **ORDERED** that plaintiff's motion to dismiss defendant Joe Warren is **GRANTED**.

SIGNED at Sherman, Texas, this 1st day of May, 2013.

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE